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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,824	06/21/2001	George Alfred Velius		6850

7590  
George Velius  
17986 Rosemar Lane  
Wildwood, MO 63038

EXAMINER

DAVIS, GEORGE B

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/886,824	<b>Applicant(s)</b> VELIUS, GEORGE ALFRED	
	<b>Examiner</b> George Davis	<b>Art Unit</b> 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claims 21 and 22 are objected to because of the following informalities:  
Appropriate correction is required. Claims 21 and 22, replace "claim 1" with its language.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 recites a **computer implemented** method for classifying, **receiving input data** representing items of known classification, **processing the input data** representing class-specific probability distributions based on the received input data, **computing a transform** based on the output, and **transforming the probability distributions** based on certain conditions, **the item is classified**.

Despite that claims invention is computer implemented but the result lacks a tangible, concrete and useful result because transforming mathematical formula to classify items stop short to specify what is the outcome of the transforming step. Therefore, the language of claim 1 appears to be directed merely to an abstract idea that has no practical application that can produce

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concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 10 recites **a computer implemented** system for classifying, **receiving input data** representing items of known classification, **generating an output data** representing class-specific probability distributions based on the received input data, **computing a transform** based on the output, and **transforming the probability distributions** based on certain conditions, **the item is classified**.

Despite that claims invention is computer implemented but the result lacks a tangible, concrete and useful result because transforming mathematical formula to classify items stop short to specify what is the outcome of transforming step. Therefore, the language of claims 1 and 10 appear to be directed merely to an abstract idea that has no practical application that can produce concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim 20 also recites methods of receiving, processing, apply the transform and transforming the decision space into a normalized scale. The claim stop short to specify what is the outcome of transforming step.

The language of claim 20 appears to be directed merely to an abstract idea that has no practical application that can produce concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Therefore, Claims 1-22 are non-statutory.

***Conclusion***

3. Applicant's arguments filed 1/3/06 have been fully considered but they are not persuasive.

Applicant argues at page 7, last paragraph that a computer-implements and a computer readable medium are added. However, despite the invention is computer-implemented invention, the invention lacks a concrete, useful and tangible result because the transforming step stops short to show what is achieved after transforming.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Davis whose telephone number is

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(571) 272-3683. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent, can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3800.

March 30, 2006

A handwritten signature in black ink, appearing to read 'G. B. Davis', with a stylized flourish at the end.

GEORGE B. DAVIS

PRIMARY PATENT EXAMINER